



RESPONSE TO RESTRICTION REQUIREMENT
U.S.S.N.: 09/491,500
Filed: January 26, 2000
Docket No. 11298.105002 (IMN 100)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/491,500 Confirmation No. 8610
Applicants: : Keith L. Black et al.
Filed: : January 26, 2000
Art Unit : 1632
Examiner : Anne Marie Falk
Title : Method for Using Potassium Channel Agonists for Delivering a Medicant
to an Abnormal Brain Region and/or a Malignant Tumor

Docket: : 11298.105002 (IMN 100)
Customer No. : 20786

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 22, 2004

Response to Restriction Requirement

Sir:


The Examiner has asserted that there are two distinct inventions in the above-referenced application. Group I consists of claims 1-6, 11-18, 110-166, drawn to methods for delivering a medicant to an abnormal brain region in a mammal, while Group II consists of claims 91-100, 106-109, 167-199, drawn to pharmaceutical compositions including an ATP-sensitive potassium channel agonist and a drug (or a therapeutic cytotoxic agent). Further, the Examiner has requested that the Applicants elect a single species to begin prosecution to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicants elect without traverse the claims directed to the method for delivering a medicant to an abnormal brain region in a mammal, as defined in Group I, claim 1. Applicants further elect carboplatin as the species of drug to be administered by the claimed method. Support for this species is found in the specification on page 13 line 16. Applicants would like to remind the Examiner that upon allowance of a generic claim, Applicants are entitled to consideration of claims to additional species within the limitations of the generic claim.

Applicants believe that this election fully responds to the subject restriction requirement. However, if Applicants have misunderstood or made an incorrect assumption as to what was being restricted, then Applicants respectfully request that the Examiner call the undersigned to correct any misunderstandings that may have occurred.

Applicants enclose a Petition for a One Month Extension of Time to reply, to and including, June 22, 2004, and a check in the amount of \$55.00 for the associated fee. No fee is believed to be required for this Election. Although Applicants believe the amount of the fee is correct, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account 11-0980.

Respectfully submitted,


Sherry M. Knowles, Esq.
Registration No. 33,052

Date: June 22, 2004

King & Spalding
191 Peachtree Street
Atlanta, Georgia 30303
Telephone: 404-572-3541
Facsimile: 404-572-5145

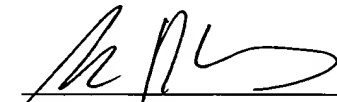


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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the below-identified date.

Deposit Date: June 22, 2004


Stephanie D. Adams
Registration No. 47,378